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FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463

FIRST GENERAL COUNSEL'S REPORT

MUR: 6137

DATE COMPLAINT FILED: November 26, 2008

DATE OF NOTIFICATION: December 3, 2008

RESPONSE RECEIVED: December 29, 2009

DATE OF ACTIVATION: March 9, 2009

STATUTE OF LIMITATIONS: October 1, 2013 –
November 4, 2013

COMPLAINANT:

Rebecca Kratz, Freedom From Religion
Foundation, Inc.

RESPONDENT:

Informed Catholic Citizens

**RELEVANT STATUTES
AND REGULATIONS:**

2 U.S.C. § 433
2 U.S.C. § 434
2 U.S.C. § 441b
2 U.S.C. § 441d(a)
11 C.F.R. § 100.22
11 C.F.R. § 100.26
11 C.F.R. § 100.28
11 C.F.R. § 114.4(b)(5)(i)

INTERNAL REPORTS CHECKED:

Disclosure Reports

FEDERAL AGENCIES CHECKED:

Internal Revenue Service

I. INTRODUCTION

This matter concerns allegations that Informed Catholic Citizens ("ICC"), a Colorado-based 501(c)(4) organization, violated various provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, the complaint alleges that ICC made prohibited corporate expenditures for a series of recorded telephone calls that constituted express advocacy, and may have been required to report the cost of the calls as independent expenditures. The complaint also questions whether ICC was required to register and report with the Commission

1 as a political committee. In its response, ICC argues that the calls did not contain express
2 advocacy, and therefore the group was not required to report any independent expenditures or
3 register and report with the Commission. Response at 3.

4 As discussed below, we believe that at least one of the recorded telephone calls funded by
5 ICC contained express advocacy, and that ICC likely met the statutory threshold for political
6 committee status by making over \$1,000 in expenditures in connection with the calls. Available
7 information about ICC's public statements and activities suggests that ICC's major purpose may
8 have been federal campaign activity during the 2008 election cycle. ICC's response did not
9 address these subjects. We therefore recommend that the Commission: (1) find no reason to
10 believe that ICC violated 2 U.S.C. § 441b; (2) find reason to believe that ICC violated 2 U.S.C.
11 §§ 433 and 434 by failing to register and report as a political committee or, in the alternative,
12 violated 2 U.S.C. § 434(c) by failing to disclose its independent expenditure; (3) find reason to
13 believe that ICC violated 2 U.S.C. § 434(g) by failing to file a 24-hour notice of its independent
14 expenditure; and (4) find reason to believe that ICC violated 2 U.S.C. § 441d(a) by failing to
15 include the required disclaimer. Our proposed investigation would obtain information about the
16 timing, number, and cost of one of the recorded telephone calls, as well as other activities ICC
17 conducted in connection with federal campaign during the 2008 election cycle.¹

¹ In *Speech Now.org v. FEC*, the Court of Appeals for the District of Columbia Circuit held that the contribution limits of 2 U.S.C. §§ 441a(a)(1)(C) and 441a(a)(3) are unconstitutional as applied to individuals' contributions to SpeechNow, an unincorporated non-profit association that intended to operate exclusively through independent expenditures. See 599 F.3d 686 (C.A.D.C. 2010). This issue is not presented in this matter at this time because we do not have any information about the nature or amount of any contributions received by ICC. SpeechNow is seeking certiorari on whether the political committee disclosure and reporting requirements apply to it. See Application to Extend Time to File Petition for Writ of Certiorari, *SpeechNow.org v. FEC* (No. 09A1212). At this time we do not have sufficient information about ICC's spending to determine if ICC is an independent expenditure-only committee.

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II. FACTUAL AND LEGAL ANALYSIS

A. Factual Background

1. ICC's Organizational Structure and Purpose

ICC is headed by former U.S. Representative Bob Beauprez. See Response Exhibit A. The group registered with the Colorado Secretary of State as a nonprofit corporation in October 2008 and the group's website identifies it as a 501(c)(4) organization. See www.informedcatholics.org. ICC's Articles of Incorporation filed with the Colorado Secretary of State set forth its purpose as "to engage in any lawful activities within the meaning of section 501(c)(4) of the Internal Revenue Code." ICC's website states that its purpose "is not to make your voting decision, but to assist you in finding the truth about the candidates and information necessary to make a choice consistent with Catholic doctrine." *Id.* The website links to various news articles about elected officials' and candidates' stances on purported Catholic policy issues and includes an "Action Center" to sign up for ICC's e-mail list and online discussion forums. It provides a link to "Contribute."² Neither ICC's website and other publicly available information nor its response identified any other activities ICC conducted during the 2008 election cycle apart from the recorded telephone calls that are the subject of the complaint. ICC did not register or report with the Commission as a political committee.

² The "Contribute" function on ICC's website was not functioning at the time of the drafting of this Report in June 2010 and the website appears to have been last updated in August 2009.

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2. ICC's Public Communications

The complaint identifies two recorded phone calls ICC made to citizens in Colorado in late October 2008.³ Complaint at 1. The scripts for the calls, provided in ICC's response, are as follows:

"Carmody Call"

Hello, this is Fr. Bill Carmody, Pastor of Holy Family parish in Colorado Springs. I'm calling on behalf of Informed Catholic Citizens about the importance of your vote in this election.

Regardless of the spinning that some politicians have done, the Catholic Church's opposition to the evil of abortion has always been the same and is crystal clear.

Why is it important in this election? John McCain has a record of supporting life, but in the words of Denver Archbishop Charles Chaput, Barack Obama "is the most committed abortion-rights presidential candidate of either major party" in 35 years, and the Democratic Party Platform adopted in Denver is "clearly anti-life."

There are many important issues to consider, but as Archbishop Chaput says, "every other human right depends on the right to life."

If you have not already voted, I pray that you will search your conscience carefully and consider all the information you deem important. And, then vote like life depended on it – because it does.

This message is paid for by Informed Catholic Citizens.

"Beaupre Call"

Hello, this is Bob Beaupre. And, no, I'm not one of those politicians calling to tell you how to vote. You'll figure that out on your own.

I know that there are a whole host of issues you'll consider when deciding for whom to vote, including who best represents your values. What's difficult is finding really honest information about the candidates and the issues most important to you – like the five non-negotiables: sanctity of human life, euthanasia, homosexual marriage, embryonic stem-cell research, and human cloning.

³ ICC's Response states that the calls were delivered to members of the public in November 2008, just before the election. See Response Exhibit A.

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I recently learned through the Solidarity Institute at ecatholicuhub.net that Bob Schaffer is in agreement with Catholic doctrine on all five of these issues while Mark Udall is opposed to every single one.

We're the Informed Catholic Citizens, and our only objective is to make sure you have all the information you need to decide who you'll be voting for in this election. Thank you for listening.

The available information does not indicate that ICC made any other public communications.

B. Legal Analysis

The complaint alleges that ICC made prohibited corporate expenditures for a series of recorded telephone calls that constituted express advocacy, and may have been required to report the cost of the calls as independent expenditures. Complaint at 3. The complaint also questions whether ICC met the threshold for federal political committee status and was required to register and report with the Commission, or whether ICC is a qualified nonprofit corporation. *Id.* We first address the corporate expenditure allegations and recommend that the Commission find no reason to believe that ICC violated 2 U.S.C. § 441b because *Citizens United v. FEC*, 130 S.Ct. 876 (2010), renders this allegation moot. We then address ICC's political committee status because there is reason to believe that ICC met the threshold for political committee status under the Act. In the event that an investigation demonstrates that ICC did not meet the threshold for political committee status, we also address in the alternative whether ICC failed to file independent expenditure reports pursuant to 2 U.S.C. § 434(c). Finally, we address independent expenditure reporting under 2 U.S.C. § 434(g) and disclaimer obligations in connection with ICC's recorded telephone calls.

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1 **1. Corporate Expenditures**

2 In *Citizens United*, the Supreme Court struck down as unconstitutional the Act's
3 prohibition on corporate financing of independent expenditures. See 130 S.Ct. 876, 913 (2010).

4 Thus, it is permissible for corporations to use general treasury funds for this purpose.

5 Accordingly, we recommend that the Commission find no reason to believe that Informed
6 Catholic Citizens violated 2 U.S.C. § 441b by making a prohibited corporate expenditure in
7 connection with the recorded telephone call.⁴

8 **2. Political Committee Status**

9 The Act defines a "political committee" as any committee, association, or other group of
10 persons that receives "contributions" or makes "expenditures" for the purpose of influencing a
11 federal election which aggregate in excess of \$1,000 during a calendar year. 2 U.S.C.
12 § 431(4)(A). To address overbreadth concerns, the Supreme Court has held that only
13 organizations whose major purpose is campaign activity can potentially qualify as political
14 committees under the Act. See, e.g., *Buckley v. Valeo*, 424 U.S. 1, 79 (1976); *FEC v.*
15 *Massachusetts Citizens for Life*, 479 U.S. 238, 262 (1986) ("MCFL"). The Commission has long
16 applied the Court's major purpose test in determining whether an organization is a "political
17 committee" under the Act, and it interprets that test as limited to organizations whose major
18 purpose is federal campaign activity. See Political Committee Status: Supplemental Explanation
19 and Justification, 72 Fed. Reg. 5595, 5597, 5601 (Feb. 7, 2007). The term "expenditure" is
20 defined to include "any purchase, payment, distribution, loan, advance, deposit, or gift of money
21 or anything of value, made by any person for the purpose of influencing any election for Federal
22 Office." 2 U.S.C. § 431(9)(A)(i).

⁴ *Citizens United v. FEC*, 130 S.Ct. 876 (2010), renders ICC's possible QIRC status moot.

**a. ICC Likely Exceeded the Statutory Threshold for
Expenditures by Spending Over \$1,000 for
Communications Expressly Advocating the Election or
Defeat of a Clearly Identified Candidate**

In determining whether an organization makes an expenditure, the Commission "analyzes whether expenditures for any of an organization's communications made independently of a candidate constitute express advocacy either under 11 C.F.R. § 100.22(a), or the broader definition at 11 C.F.R. § 100.22(b)." 72 Fed. Reg. at 5886. Under the Commission's regulations, a communication contains express advocacy when it uses phrases, campaign slogans, or individual words "which in context can have no other reasonable meaning than to encourage the election or defeat of one or more clearly identified candidate(s), such as posters, bumper stickers, advertisements, etc. which say 'Nixon's the One,' 'Carter '76,' 'Reagan/Bush' or 'Mondale!'" 11 C.F.R. § 100.22(a). The Supreme Court has held that express advocacy also encompasses communications that contain "in effect an explicit directive" to vote for or against a candidate. *MCFL*, 479 U.S. at 249. The fact that a message is "marginally less direct than 'Vote for Smith' does not change its essential nature." *Id.* ICC argues that "express advocacy" must be read narrowly in accordance with the approach in *Buckley v. Valeo*, 424 U.S. 1 (1976). *Response* at 3.

The *Carmerdy Call* contains express advocacy under 11 C.F.R. § 100.22(a) consistent with Supreme Court and Commission precedent. This call is similar to the newsletter at issue in *MCFL* and the "Conscience" pamphlet in MUR 5634 (Sierra Club). In *MCFL*, the Supreme Court found that a newsletter which listed candidates for state and federal office and identified their issue positions as supporting or opposing issues such as abortion, along with the phrases "EVERYTHING YOU NEED TO KNOW TO VOTE PRO-LIFE," "VOTE PRO-LIFE," and the disclaimer "This special election edition does not represent an endorsement of any particular

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1 candidate," constituted express advocacy. *MCFL*, 479 U.S. at 238. The Court reasoned that the
2 newsletter "cannot be regarded as a mere discussion of public issues that by their nature raise the
3 names of certain politicians. Rather, it provides an explicit directive: vote for these (named)
4 candidates." *Id.*

5 In MUR 5634, the Commission found that the "Conscience" pamphlet, which compared
6 President Bush's and Senator Kerry's environmental records and contained the phrases "LET
7 YOUR CONSCIENCE BE YOUR GUIDE" and "LET YOUR VOTE BE YOUR VOICE"
8 contained express advocacy under section 100.22(a) because it provided "in effect" an explicit
9 directive to vote for the candidates whose positions were in accord with the organization. See
10 MUR 5634 Factual and Legal Analysis at 4. The Commission found probable cause to believe
11 that the Sierra Club violated 2 U.S.C. § 441b(a) based on the "Conscience" pamphlet and entered
12 into a conciliation agreement with the organization. See Certifications dated July 19, 2006 and
13 November 13, 2006. In the same matter, the Office of General Counsel recommended, and the
14 Commission found, no reason to believe that the Sierra Club violated the Act in connection with
15 three other pamphlets. Two of the pamphlets did not contain express advocacy because a
16 reasonable interpretation was that readers were simply being directed to contact current federal
17 officials. MUR 5634 First General Counsel's Report at 5. A fourth pamphlet, "Dirt,"
18 which contained narratives comparing the environmental records of President Bush and Senator
19 Kerry, did not contain express advocacy because it was consistent with the Commission's voter
20 guide regulations and encouraged readers to obtain additional information about the candidates
21 from other sources before deciding for whom to vote. *Id.* at 8.

22 The Carmody Call uses the word "vote" three times, starting in the first sentence after the
23 greeting. The Carmody Call is express advocacy under section 100.22(a) because it sets out

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1 John McCain's and Barack Obama's respective positions on the subject of abortion and then
2 directs listeners to "vote like life depended on it – because it does," which has no other
3 reasonable meaning than to encourage the election of John McCain and the defeat of Barack
4 Obama. This conclusion is consistent with the Supreme Court's decision in *MCFL* in that the
5 Carmody Call's call to action to "vote like life depended on it – because it does" is an
6 unambiguous reference to John McCain's "record of supporting life," providing "in effect" an
7 explicit directive to vote for John McCain and against Barack Obama. The Carmody Call's call
8 to action is also similar to that in the MUR 5634 "Conscience" pamphlet, "LET YOUR VOTE
9 BE YOUR VOICE."

10 Although the available information does not indicate the cost or dissemination of the
11 Carmody Call, a press account cited in the Complaint regarding the Beauprez Call stated that
12 ICC "blanket[ed] the state with recorded phone calls." Mike Riley, Beauprez Robo-Calls Target
13 Udall on Values, *Denver Post*, October 23, 2008. ICC's response did not provide any
14 information regarding the cost or dissemination of the calls. The fact that the Carmody Call
15 concerned the Presidential election also suggests that a large number of calls were made, and
16 past matters involving robocalls often involved costs well over \$1,000. See MUR 6125
17 (McCintack) (Campaign in California's 4th Congressional District spent \$7,798 for robocalls in
18 2008); MUR 5819 (U.S. Chamber of Commerce) (Chamber of Commerce spent \$2,474 for
19 approximately 50,000 calls regarding the 2006 Senate race in Hawaii); MUR 5588 (Arizona
20 Republican Party) (State party committee spent \$41,626 for state-wide calls regarding the 2004
21 Presidential election).

22 In sum, it appears that at least one of the ICC recorded calls – the Carmody Call –

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1 contained express advocacy under 11 C.F.R. § 100.22(a).⁵ See also 11 C.F.R. § 100.22(b)
2 (express advocacy includes communications that contain an "electoral portion" that is
3 "unmistakable, unambiguous, and suggestive of only one meaning" and about which "reasonable
4 minds could not differ as to whether it encourages actions to elect or defeat" a candidate). It is
5 likely ICC exceeded the statutory threshold for expenditures by spending over \$1,000 for this
6 communication expressly advocating the election or defeat of a clearly identified candidate, and
7 thus met the statutory threshold for political committee status. See 2 U.S.C. § 431(4)(A).

8 **b. ICC's Major Purpose May Be Federal Campaign Activity**

9 An organization's "major purpose" may be established through public statements of its
10 purpose. See, e.g., *FEC v. Malenick*, 310 F. Supp. 2d 230, 234-36 (D.D.C. 2004) (court found
11 organization evidenced its "major purpose" through its own materials which stated the
12 organization's goal of supporting the election of Republican Party candidates for federal office
13 and through efforts to get prospective donors to consider supporting federal candidates); *FEC v.*
14 *GOPAC, Inc.*, 917 F. Supp. 851, 859 (D.D.C. 1996) ("organization's [major] purpose may be
15 evidenced by its public statements of its purpose or by other means. . . ."). An organization also
16 can satisfy *Buckley's* "major purpose" test through sufficient spending on campaign activity.
17 *MCFL*, 478 U.S. at 262-264 (political committee status would be conferred on MCFL if its
18 independent spending were to become so extensive that the group's major purpose may be

⁵ The Beauprez Call presents a closer judgment. There are several characteristics of the Beauprez Call that bring it close to the definition of express advocacy under 11 C.F.R. § 100.22(b): the call references voting time and was made in close proximity to the election; it references the Catholic Church's positions on five policy issues and then states that "Bob Schaffer is in agreement with Catholic doctrine on all five of these issues while Mark Udall is opposed to every single one;" and it indicates that the ICC's goal is to inform listeners to aid in their voting decision. This can be viewed as a directive to vote for the candidate in agreement with Catholic Doctrine, Bob Schaffer. However, because the Beauprez Call contains a comparison of the candidates' views on policy issues, reasonable minds could view the call as educating listeners about the positions of the candidates, similar to the MLIR 5634 "Dirt" pamphlet, which the Commission concluded was more akin to a voter guide under 11 C.F.R. § 114.4(c)(5)(i).

regarded as campaign activity).⁶

ICC did not respond to the complaint's assertion that ICC's major purpose is to influence federal elections, and there is no available information that suggests that ICC's major purpose was not federal campaign activity. ICC incorporated as a nonprofit organization in October 2008, a short time before the 2008 Presidential and Colorado U.S. Senate elections. Available information about ICC's public statements indicates that ICC's major purpose during the 2008 election cycle may have been federal campaign activity, as ICC's only public communications, the recorded telephone calls, contain express advocacy, or in the case of the Beauprez Call, either contain express advocacy or a voter guide to assist voters in their decision on who to vote for in the U.S. Senate race. ICC's stated purpose on its website "is not to make your voting decision, but to assist you in finding the truth about the candidates and information necessary to make a choice consistent with Catholic doctrine." See www.informedcatholics.org. The website links to articles about elected officials' and candidates' policy stances on issues such as abortion, including the views of Barack Obama, Joe Biden, Nancy Pelosi, and the Democratic Party as a whole.

Information regarding ICC's spending on federal campaign activity is unavailable because as a 501(c)(4) organization, ICC's financial records are not publicly available on the Internal Revenue Service website. An investigation would allow us to determine whether ICC

⁶ The Commission has applied this standard in past matters and found political committee status. See, e.g., MUR 5440 (The Media Fund) (Commission found political committee status where an organization spent millions of dollars on advertisements to influence the 2004 Presidential election); MUR 5542 (Texans for Truth) (Commission found political committee status where an organization spent over \$140,000 for the purpose of defeating President Bush in the 2004 election, including several advertisements in swing states); MURs 5577/5620 (National Association of Realtors - 527 Fund) (Commission found political committee status where an organization spent approximately \$3 million to finance dozens of political communications before the 2004 general election, most of which was spent on direct mailings and newspaper advertisements supporting nine federal candidates); and MUR 5831 (Softer Voices) (Commission found political committee status where an organization spent over \$1 million for communications supporting Rick Santorum's 2006 Senate re-election campaign); see also Political Committee Status: Supplemental Explanation and Justification, 72 Fed. Reg. at 5601-02.

1 conducted other activities that could affect whether its major purpose was federal campaign
2 activity, and whether it made significant disbursements for federal campaign activity. ICC's
3 activities that we are aware of at this time, the two recorded telephone calls, were connected to
4 federal elections. Because available information indicates that ICC likely exceeded the statutory
5 threshold for expenditures by spending over \$1,000 for communications expressly advocating
6 the election or defeat of a clearly identified candidate and that ICC's major purpose may have
7 been federal campaign activity, we recommend that the Commission find reason to believe that
8 Informed Catholic Citizens violated 2 U.S.C. §§ 433 and 434 by failing to register and report as a
9 political committee.

10 3. Alternative Finding

11 If an investigation shows that ICC is not a political committee, ICC was still subject to
12 the Act's disclosure requirements for independent expenditures. Under the Act, every person
13 other than a political committee who makes independent expenditures in excess of \$250 must file
14 a report that discloses information on its expenditures and identify each person who made a
15 contribution in excess of \$200 for the purpose of furthering an independent expenditure. See
16 2 U.S.C. § 434(c). The Act defines an independent expenditure as any expenditure that
17 expressly advocates the election or defeat of a clearly identified candidate and is not made in
18 concert with a candidate, a political party committee, or their respective agents. 2 U.S.C.
19 § 431(17). If an investigation demonstrates that ICC did not meet the threshold for political
20 committee status, it would have been subject to the independent expenditure reporting
21 requirements of section 434(c) of the Act. Accordingly, we recommend in the alternative that
22 the Commission find reason to believe that ICC violated 2 U.S.C. § 434(c).

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4. 24-Hour Independent Expenditure Reporting

ICC would have been required to disclose its spending on the Carmody Call to the Commission as an independent expenditure if the group spent more than \$1,000 on the call regardless of ICC's political committee status. Under the Act, a person (including a political committee) that makes independent expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the date of an election must file a report describing the expenditures within 24 hours. 2 U.S.C. § 434(g)(1). ICC's activity appears to date from November 2008; therefore, it is likely that the calls were made within 20 days of the election. Accordingly, because it is likely that ICC spent over \$1,000 in connection with the Carmody Call, we recommend that the Commission find reason to believe that Informed Catholic Citizens violated 2 U.S.C. § 434(g) by failing to report the cost of the call as an independent expenditure. We will need to conduct a limited investigation regarding the cost and timing of the call to determine ICC's reporting obligations.

5. Required Disclaimers

The Act requires that persons making disbursements for communications containing express advocacy and political committees making disbursements for general public political advertising provide a disclaimer as specified in the statute and regulations. 2 U.S.C. § 441d. A public communication includes a communication by telephone bank to the general public. 11 C.F.R. § 100.26. A telephone bank means more than 500 calls of an identical or substantially similar nature made within a 30-day period. 11 C.F.R. § 100.28. The Commission's regulations further provide that all public communications, including telephone banks, made by a political committee must include disclaimers. 11 C.F.R. §§ 110.11(a)(2) and 100.26. More specifically, communications that are not authorized by a candidate are required to clearly state the name and

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1 permanent street address, telephone number or World Wide Web address of the person who paid
2 for the communication and state that the communication was not authorized by any candidate or
3 the candidate's committee. 2 U.S.C. § 441d(a)(3).

4 The recorded telephone calls at issue in this matter require disclaimers because they are a
5 "telephone bank to the general public" and "general public political advertising." See MUR
6 5401, Factual and Legal Analysis for TEXAS for Henry Cuellar and Certification dated
7 March 7, 2007 (concluding that "robocalls" can require disclaimers).⁷ It appears that the
8 Carmody Call was sufficiently widespread to have constituted 500 calls of an identical or
9 substantially similar nature. See *supra* p. 9. The Carmody Call did not contain the full required
10 disclaimer, as it did not clearly state the address, telephone number, or website address of ICC
11 and did not state that the communication was not authorized by any candidate or candidate's
12 committee. Accordingly, we recommend that the Commission find reason to believe that
13 Informed Catholic Citizens violated 2 U.S.C. § 441d(a) by failing to include the required
14 disclaimer on a public communication.

15 **III. PROPOSED INVESTIGATION**

16 This matter will require a limited investigation in order to obtain information about the
17 timing, dissemination, and cost of the Carmody Call, which we would attempt to obtain through
18 written discovery. We also intend to contact representatives of ICC and obtain documents to
19 establish the extent of the organization's spending on campaign activity and other activities the
20 group engaged in during the 2008 election cycle in order obtain information relevant to ICC's

⁷ Recently in MUR 5835 (Democratic Congressional Campaign Committee), we recommended that the Commission find probable cause to believe that respondents violated 2 U.S.C. § 441d by failing to include a disclaimer on a telephone poll that contained negative statements about a candidate. The probable cause recommendation failed by a vote of 2-3. See MUR 5835 Statement of Reasons of Vice Chairman Petersen and Commissioners Hunter and McGahn. The ICC communications in the instant matter were not polls but rather recorded messages, at least one of which constitutes express advocacy.

major purpose. While we intend to conduct the investigation informally, in the event that it becomes necessary to utilize formal discovery, we recommend that the Commission authorize the use of compulsory process.

IV. RECOMMENDATIONS


1. Find no reason to believe that Informed Catholic Citizens violated 2 U.S.C. § 441b.
2. Find reason to believe that Informed Catholic Citizens violated 2 U.S.C. §§ 433 and 434 or, in the alternative, violated 2 U.S.C. § 434(c).
3. Find reason to believe that Informed Catholic Citizens violated 2 U.S.C. § 434(g).
4. Find reason to believe that Informed Catholic Citizens violated 2 U.S.C. § 441d(a).
5. Authorize the use of compulsory process as to the Respondent and all witnesses in this matter, including the issuance of appropriate interrogatories, document subpoenas, and deposition subpoenas, as necessary.
6. Approve the attached ~~Factual~~ and Legal Analysis.
7. Approve the appropriate letter.

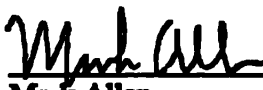
Thomasenia P. Duncan
General Counsel

Date

6/25/10

BY:


Ann Marie Terzaken
Associate General Counsel
for Enforcement


Mark Allen
Assistant General Counsel


Kasey Morgenheim
Attorney

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